

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 12959 01 OF 02 252149Z
ACTION ACDA-12

INFO OCT-01 ISO-00 NRC-05 SOE-02 AF-10 ARA-10 CIAE-00
DODE-00 EA-10 EUR-12 PM-05 H-01 INR-10 IO-13
L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02
PA-01 DOE-15 SAS-02 CEQ-01 OES-09 SS-15 ICA-11
HEW-04 EB-08 LAB-04 EPA-01 /185 W
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R 252127Z AUG 78
FM USMISSION GENEVA
TO SECSTATE WASHDC 3553
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 12959

E.O. 11652: GDS
TAGS: PARM, CCD, UK, NL
SUBJECT: PREPARATIONS FOR BIOLOGICAL WEAPONS CONVENTION
REVIEW CONFERENCE

REF: GENEVA 12636

1. USDEL OFFICERS (MIKULAK AND STRAND) MET AUGUST 23 WITH MEERBERG OF DUTCH CCD DEL AND KENYON OF UK CCD DEL, AT KENYON'S REQUEST, TO DISCUSS PREPARATIONS FOR 1980 BIOLOGICAL WEAPONS (BW) CONVENTION REVIEW CONFERENCE. KENYON PRESENTED DRAFT OF UNGA RESOLUTION, TO BE PRESENTED BY THE THREE DEPOSITORY STATES (US, UK, USSR) AT 33RD GA, WHICH HE SAID HE HAD BEEN TASKED BY LONDON TO PREPARE. DRAFT, WHICH IS MODELED IN PART ON 1975 UNGA RESOLUTION SETTING UP PREPCOM FOR SEABEDS TREATY REVIEW, DEALS WITH PREPARATORY CONFERENCE FOR BW REVIEW. IT ALSO PROVIDES FOR STUDY TO BE CARRIED OUT "BY AN AD HOC GROUP OF QUALIFIED GOVERNMENTAL EXPERTS UNDER THE AUSPICES OF THE COMMITTEE ON DISARMAMENT ON SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS RELEVANT TO THE CONVENTION, WITH PARTICULAR ATTENTION TO
CONFIDENTIAL

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PAGE 02 GENEVA 12959 01 OF 02 252149Z

DEVELOPMENTS IN RECOMBINANT D.N.A. RESEARCH ('GENETIC ENGINEERING)'). CD WOULD TRANSMIT STUDY TO 34TH UNGA. (FULL TEXT OF KENYON DRAFT IS GIVEN IN PARA 6 BELOW.)

2. KENYON SAID PURPOSE OF STUDY WOULD BE TWOFOLD. FIRST, IT WOULD PROVIDE TECHNICAL BASIS FOR FULFILLING REQUIREMENT OF BW CONVENTION THAT REVIEW CONFERENCE TAKE ACCOUNT

OF ANY NEW SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS; EXPERTS COULD REPORT DEVELOPMENTS AND ADVISE ON WHETHER, AS A RESULT OF THESE, ANY GAPS HAD BEEN CREATED IN CONVENTION'S COVERAGE. THIS WOULD FORESTALL CRITICISM OF SORT MADE BY SWEDEN IN COURSE OF 1977 SEABEDS TREATY REVIEW CONFERENCE THAT ADEQUATE TECHNICAL STUDY HAD NOT BEEN CONDUCTED. SECOND, FOCUS ON GENETIC ENGINEERING WOULD PROVIDE OPPORTUNITY TO DISCREDIT SOVIET CLAIM, ADVANCED AS RATIONALE FOR THEIR PROPOSED TREATY BANNING NEW WEAPONS OF MASS DESTRUCTION (MDW), THAT NEW BIOLOGICAL AGENTS DERIVED BY GENETIC ENGINEERING WOULD NOT BE COVERED BY BW CONVENTION AND WOULD THEREFORE CONSTITUTE A NEW AND UNCONSTRAINED MDW. MEERBURG ARGUED THAT QUESTION OF MILITARY APPLICATIONS OF GENETIC ENGINEERING COULD BE A CONTROVERSIAL ISSUE IN THE TREATY REVIEW, BUT ACKNOWLEDGED THAT SOVIETS HAD NOT RAISED ISSUE RECENTLY. KENYON CONFIRMED THIS, RECALLING THAT UK EXPERT TO 1976 CCD INFORMALS ON NEW MDW HAD ARGUED THAT ANY NEW ORGANISM DERIVED BY GENETIC ENGINEERING FOR USE AS BACTERIOLOGICAL WEAPON WOULD STILL BE COVERED BY BW CONVENTION, AND SOVIETS HAD SEEMED TO AGREE.

3. USDEL OFFICERS, QUALIFYING THEIR REMARKS AS PERSONAL AND PRELIMINARY AND NOTING THAT QUESTION OF PREPARATION FOR BW REVIEW WAS PRESENT UNDER CONSIDERATION IN WASHINGTON, OFFERED FOLLOWING OBSERVATIONS:

CONFIDENTIAL

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PAGE 03 GENEVA 12959 01 OF 02 252149Z

(A) WHILE EXPERT STUDY OF POTENTIALLY RELEVANT SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS COULD BE USEFUL, TECHNICAL EXPERTS SHOULD NOT GET INTO THE LEGAL/POLITICAL QUESTION OF WHETHER ANY SUCH DEVELOPMENTS HAD CREATED A GAP IN THE CONVENTION'S COVERAGE. THIS WOULD BE PROPER BUSINESS OF REVCON ITSELF.

(B) THE PARTIES TO THE CONVENTION, RATHER THAN THE CD AND THE UN, WOULD SEEM TO BE THE PROPER AUTHORITY AND REFERENCE POINT FOR AN EXPERTS GROUP. INVOLVING THE CD COULD BRING IN STATES THAT HAVE ASSUMED NO RESPONSIBILITIES UNDER THE CONVENTION AND COULD ALSO RISK POLITICIZING WHAT SHOULD BE A TECHNICAL ENTERPRISE.

(C) SINGLING OUT GENETIC ENGINEERING FOR SPECIAL ATTENTION IN THE RESOLUTION COULD IMPLY A PRESUMPTION OF DEVELOPMENTS IN THAT AREA PREJUDICIAL TO THE CONVENTION'S EFFECTIVENESS. EXPERTS COULD REPORT ON DEVELOPMENTS IN THIS FIELD, INTER ALIA, WITHOUT IT BEING MENTIONED SPECIFICALLY IN THEIR MANDATE.

4. KENYON SAID HE WOULD BE SUBMITTING A REVISION OF THE

DRAFT RESOLUTION TO LONDON AND WOULD CONSIDER EXCLUDING THE REFERENCE TO GENETIC ENGINEERING AND INVOLVEMENT OF THE CD. HE EXPRESSED AGREEMENT WITH IDEA THAT MANDATE FOR TECHNICAL EXPERTS SHOULD BE LIMITED TO TECHNICAL MATTERS AND SHOULD EXCLUDE THEIR MAKING LEGAL JUDGMENTS. KENYON ACKNOWLEDGED THAT PROVIDING WORK FOR CD WAS PART OF RATIONALE FOR SUGGESTING STUDY BE CARRIED OUT UNDER CD AUSPICES. AN ADDITIONAL REASON WOULD BE TO ATTRACT NEW ADHERENTS TO THE CONVENTION BY INVOLVING IN THE REVIEW PROCESS STATES WHICH ARE NOT YET PARTIES. HOWEVER, HE SUGGESTED ANOTHER WAY TO DO THIS WOULD BE TO INCLUDE PROMINENT EXPERTS FROM NON-PARTY STATES IN THE STUDY GROUP. MEERBERG COMMENTED

CONFIDENTIAL

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PAGE 01 GENEVA 12959 02 OF 02 252154Z
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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 12959

THAT SOME STATES, LIKE THE NETHERLANDS, WERE NOT YET PARTIES ONLY BECAUSE OF UNAVOIDABLE PROCEDURAL DELAYS IN RATIFICATION.

5. KENYON AND USDEL OFFICERS AGREED THAT US AND UK SHOULD COORDINATE POSITION ON UN RESOLUTION AND THEN CONSULT SOVIETS. WE WOULD EXPECT UK TO PROVIDE REVISED DRAFT SHORTLY IN LONDON OR WASHINGTON.

6. TEXT OF KENYON DRAFT FOLLOWS (BEGIN TEXT):

THE GENERAL ASSEMBLY

RECALLING ITS RESOLUTION 2026 (XXVI) OF 16 DECEMBER 1971
IN WHICH IT COMMENDED THE CONVENTION ON THE PROHIBITION OF

THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION,

NOTING THAT ARTICLE XII OF THE CONVENTION PROVIDES: "FIVE YEARS AFTER THE ENTRY INTO FORCE OF THIS CONVENTION, OR
CONFIDENTIAL

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PAGE 02 GENEVA 12959 02 OF 02 252154Z

EARLIER IF IT IS REQUESTED BY A MAJORITY OF PARTIES BY SUBMITTING A PROPOSAL TO THIS EFFECT TO THE DEPOSITARY GOVERNMENTS, A CONFERENCE OF STATES PARTIES TO THE CONVENTION SHALL BE HELD AT GENEVA, SWITZERLAND, TO REVIEW THE OPERATION OF THIS CONVENTION, WITH A VIEW TO ASSURING THAT THE PURPOSES OF THE PREAMBLE AND THE PROVISIONS OF THE CONVENTION INCLUDING THE PROVISIONS CONCERNING NEGOTIATIONS ON CHEMICAL WEAPONS, ARE BEING REALIZED. SUCH REVIEW SHALL TAKE INTO ACCOUNT ANY NEW SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS RELEVANT TO THIS CONVENTION.",

BEARING IN MIND THAT THE CONVENTION WILL HAVE BEEN IN FORCE FOR FIVE YEARS ON 26 MARCH 1980 AND EXPECTING THAT THE REVIEW CONFERENCE CALLED FOR IN THE CONVENTION WILL TAKE PLACE SOON AFTER THAT DATE,

WISHING TO ENSURE THAT ADEQUATE INFORMATION ON ANY NEW SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS RELEVANT TO THE CONVENTION IS PRESENTED TO THE REVIEW CONFERENCE FOR CONSIDERATION BY THE STATES PARTIES,

1. NOTES THAT AFTER APPROPRIATE CONSULTATIONS A PREPARATORY COMMITTEE OF PARTIES TO THE CONVENTION IS TO BE ARRANGED:
2. REQUESTS THE SECRETARY-GENERAL TO RENDER THE NECESSARY ASSISTANCE AND TO PROVIDE SUCH SERVICES, INCLUDING SUMMARY RECORDS, AS MAY BE REQUIRED FOR THE REVIEW CONFERENCE AND ITS PREPARATION:
3. REQUESTS THAT A STUDY BE CARRIED OUT BY AN AD HOC GROUP OF QUALIFIED GOVERNMENTAL EXPERTS UNDER THE AUSPICES OF THE COMMITTEE ON DISARMAMENT ON SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS RELEVANT TO THE CONVENTION, WITH PARTICULAR ATTENTION TO DEVELOPMENTS IN RECOMBINANT D.N.A. RESEARCH ("GENETIC ENGINEERING");

CONFIDENTIAL

PAGE 03 GENEVA 12959 02 OF 02 252154Z

LOGICAL DEVELOPMENTS RELEVANT TO THE CONVENTION, WITH PARTICULAR ATTENTION TO DEVELOPMENTS IN RECOMBINANT D.N.A. RESEARCH ("GENETIC ENGINEERING");

4. REQUESTS THE SECRETARY-GENERAL Z PROVIDE SUCH SERVICES
AND TO GIVE SUCH ASSISTANCE FOR THE STUDY AS MAY BE
REQUIRED:

5. REQUESTS THE COMMITTEE ON DISARMAMENT TO TRANSMIT THE
STUDY IN A SPECIAL REPORT TO THE GENERAL ASSEMBLY AT ITS
THIRTY-FOURTH SESSION.

6. RECALLS ITS EXPRESSED HOPE FOR THE WIDEST POSSIBLE
ADHERENCE TO THE CONVENTION. (END TEXT)

VANDEN HEUVEL

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Message Attributes

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